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District Court

ORIGINAL

MAY 18 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Kan Pacific Saipan Ltd., Arenas Enterprises, Inc.; Commonwealth Pacific International, Inc.; Full House, Inc.; and Ta Bun Kuy

IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SAIPAN HANDICRAFT,

Plaintiff,

vs.

MICRONESIAN WOODCRAFT ENT., INC.
ET AL.,

Defendants.

Civil Action No. 05-0040

DECLARATION OF TA BUN KUY IN
OPPOSITION TO PLAINTIFF'S
REQUEST FOR AN EXPANDED
PRELIMINARY INJUNCTION

I, Ta Bun Kuy, declare as follows:

1. I am a defendant in this action. I am also the President of Commonwealth Pacific International, Inc., and Full House, Inc., two other defendants.

2. Commonwealth Pacific International and Full House operate retail establishments in the Commonwealth of the Northern Mariana Islands.

3. Since this Court's granting of a preliminary injunction to Plaintiff in January 2006 and my learning of it through a letter from Plaintiff's counsel, I have taken affirmative steps to avoid selling BoJoBo wishing dolls with a pistachio nut cap and with a packaging that appears to mimic Plaintiff's. However, I did cause Full House to buy

1 200 dolls from Saipan Handicraft, and those were sold in outlets of Commonwealth
2 Pacific International and Full House.

3
4 4. Otherwise, I caused the retail outlets of Commonwealth Pacific
5 International and Full House to stop selling dolls with a pistachio nut hat from suppliers
6 other than Saipan Handicraft. Later, I caused the hats from the dolls of other suppliers to
7 be removed, and the dolls were sold without the card previously used that might have
8 appeared similar to Saipan Handicraft's card. I developed my own packaging.

9
10 5. BoJoBo wishing dolls now sold by Commonwealth Pacific International
11 and Full House contain packaging as shown on the attached Exhibit A and are encased in
12 clear plastic wrapping. None have a pistachio nut cap and none use the legend of the
13 BoJoBo wishing doll used by Saipan Handicraft. I created my own double luck packing.
14 The card is under copyright protection.

15 6. The color and size of the card are related to the requirements of printing
16 and the efficient means to print on a standard sheet of paper, 8 ½ by 11. Dark paper will
17 not permit the printing to be seen; therefore, light pastel colors are required. A white
18 color is too bland. The size of the card relates to the efficient use of a single sheet of
19 paper.
20

21 7. The name "Saipan Gifts Omiyage" is prominently printed on the card.
22 The word handicraft is not used and the circle symbol employed by Saipan Handicraft on
23 its card is not used on cards produced for Saipan Gifts Omiyage.

24 8. The dress is common island dress to distinguish a female. The tie around
25 the dress is necessary to keep the strains in tact. The red bean is common to the CNMI is
26 no more than functional to designate the face.
27
28

They call me Bojobo, I've been hiding in the jungle in Saipan, Mariana Islands for hundred years. I am very powerful if you want:

1. PEACE : Leave us as is
2. FRIENDSHIP : Cross my left hand & her right hand together.
3. LOVE : Cross my right hand & her left hand together.
4. MARRIAGE : Cross my left hand & her right hand together.
Cross my left & right hand together.
Cross her left & right hand together.
5. PROSPERITY : Cross my left & right hand together.
6. HEALTH : Cross her left & right hand together.
7. STRENGTH : Cross my left & right hand together.
Cross her left & right hand together.
8. FORTUNE : Cross my left & right hand together.
Cross my left & right leg together.
9. WEALTH : Cross my left & right hand together.
Cross my left & right leg together.
Cross her left & right hand together.
10. HAPPINESS : Cross my left & right hand over her body.
11. LONGLIFE : Cross her left & right hand together.
12. CHILDREN : Cross my left & right hand over her body.
Cross her left & right hand over my body.

let's have faith in your wish hang where you can see me and your wish will come true.

DOUBLE LUCK BOJOBO WISHING DOLL

SAIPAN GIFTS OMIYAGE

P.O. BOX 501328

Saipan, MP 96950

Tel.: (670) 234-1328 / 235-1328

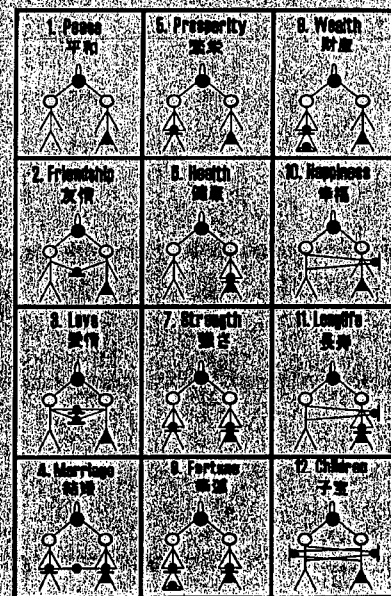
e-mail: micpri@pticom.com

(MAIL ORDER WELCOME)

私はボージョーボー人財と呼ばれています。
サイパン島に何百年も隠れてきました。
以下のような願い事があれば、私たちの手紙を紙
新聞通りに読んで下さい。あなたの願いが叶います。

1. 平和 男女の手紙を、ただダラリとさせておく。
2. 友情 男の右手と女の左手を結ぶ。
3. 愛情 男女向かい合わせにして男の右手と女の左手、男の左手と女の右手を結ぶ。
4. 結婚 男女向かい合わせにして男の右手と女の右手、男の左手と女の左手を結ぶ。
5. 富貴 男の右手と左手を結ぶ。
6. 健康 女の右手と左手を結ぶ。
7. 強さ 男の右手と左手を、女の手と左手を結ぶ。
8. 幸運 男の右手と左手を、男の右足と左足を、さらに女の右手と左手を結ぶ。
10. 幸福 二人を向かい合わせにして、男が女を抱きかかえるように、女の背後で男の右手と左手を結ぶ。
11. 長寿 女の背で女の右手を結び合わせて、さらに男女向かい合わせにして女を抱きかかえるように、女の背後で男の右手と左手を結ぶ。
12. 子宝 男女向かい合わせにして、互いに抱擁するように、女の背後で男の右手と左手を結び、さらに男の背後で女の右手と左手を結ぶ。

私たちがいつもあなたから見えるところに居るして、願いが叶うと信じて居なければ、神様が罰を下さいます。



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Exhibit A Declaration of Ta Bun Kuy